

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Jacquelyn LeBleu,)	
)	
Plaintiff,)	Case No. 1:17-cv-01320
)	
v.)	Magistrate Judge Sidney Schenkier
)	
Walgreen Co.,)	
)	
Defendant.)	

JOINT MOTION FOR COURT APPROVAL OF SETTLEMENT

Plaintiff JACQUELYN LEBLEU (“Plaintiff”) and Defendant WALGREEN CO. (“Walgreens”) (collectively, the “Parties”) jointly seek court approval of the confidential settlement entered into by the Parties. In this lawsuit, Plaintiff asserted individual claims against Walgreens for alleged unpaid overtime in violation of the Fair Labor Standards Act (“FLSA”) and Illinois Minimum Wage Law (“IMWL”). The terms of the settlement are fair, reasonable, and resolve a *bona fide* dispute between the Parties. In support of their Motion, the Parties state as follows:

1. On February 21, 2017, Plaintiff filed this lawsuit alleging Walgreens violated the FLSA and IMWL by failing to pay her for all overtime hours worked. Walgreens denied these allegations and asserted it appropriately compensated Plaintiff for all hours worked (including overtime).

2. Relatively early in the matter, the Parties engaged in settlement discussions and informally exchanged some information to facilitate these discussions – including, for example, Walgreens’ records relating to Plaintiff’s schedule and hours worked. After the Parties exchanged sufficient information to evaluate the matter, the Parties reached a settlement and entered into a Confidential Settlement Agreement, Release and Waiver (“Agreement”).

3. Per the Court’s instructions at the status on March 21, 2018, contemporaneously

with the filing of this Motion, Walgreens provided a copy of the fully executed Agreement to the Court via email for *in camera* review.

3. The Parties respectfully request that this Court review the Agreement and approve the settlement. *See Roberts v. Apple Sauce, Inc.*, No. 12-CV-830-TLS, 2014 WL 4804252, at *1 (N.D. Ind. Sept. 25, 2014) (court approval of FLSA settlement agreement); *Hernandez v. PeopleScout, Inc.*, No. 12 C 1228, 2012 WL 3069495, at *3 (N.D. Ill. July 24, 2012).

4. The Agreement is the product of arm's-length negotiations by Plaintiff and Walgreens, with both sides represented by experienced counsel during the proceedings. It provides relief to Plaintiff and eliminates the risks the Parties would bear if this litigation continued. Given these circumstances, a presumption of fairness should attach to the proposed settlement. *See, e.g., Lynn's Food Stores, Inc. v. U.S.*, 679 F.2d 1350, 1354-55 (11th Cir. 1982) (to approve FLSA settlement, district court must conclude that it fairly and reasonably resolves a *bona fide* wage dispute and that the lawsuit provided the necessary adversarial context to protect the employee's interests from employer overreaching); *Ladegaard v. Hard Rock Concrete Cutters, Inc.*, No. 00 C 5755, 2001 WL 1403007, at *6 (N.D. Ill. Nov. 9, 2001).

5. For all of these reasons, this Court should conclude that the proposed settlement reflects a fair and reasonable resolution of a *bona fide* dispute and approve the settlement.

WHEREFORE, Plaintiff JACQUELYN LEBLEU and Defendant WALGREEN CO. respectfully request that this Court approve the Parties' negotiated Agreement and dismiss all of Plaintiff Jacquelyn LeBleu's claims in this lawsuit, with prejudice, with each party to bear its own fees and costs in accordance with the Agreement.

Dated: April 3, 2018

Respectfully submitted,

/s/ Heewon O'Connor

One of the Attorneys for Plaintiff
JACQUELYN LEBLEU

Kevin F. O'Connor, Esq.
Heewon O'Connor, Esq.
O'CONNOR | O'CONNOR, P.C.
110 E. Schiller Street, Suite 312
Elmhurst, Illinois 60126
kevin@oconnor-oconnor.com
heewon@oconnor-oconnor.com

/s/ Katherine A. Manuel

One of the Attorneys for Defendant
WALGREEN CO.

Michael D. Ray (ARDC No. 6285109)
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
201 S. College Street, Suite 2300
Charlotte, North Carolina 28244
Telephone: 704.342.2588
michael.ray@ogletree.com

Tobias E. Schlueter (ARDC No. 6278392)
Katherine A. Manuel (ARDC No. 6315551)
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
155 North Wacker Drive, Suite 4300
Chicago, Illinois 60606
Telephone: 312.558.1220
Facsimile: 312.807.3619
tobias.schlueter@ogletree.com
katherine.manuel@ogletree.com

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on April 3, 2018, she electronically filed the foregoing ***Joint Motion for Court Approval of Settlement*** with the Clerk of Court using the ECF system, which sent notification of the filing to:

Kevin F. O'Connor, Esq.
Heewon O'Connor, Esq.
O'CONNOR | O'CONNOR, P.C.
110 E. Schiller Street, Suite 312
Elmhurst, Illinois 60126
kevin@oconnor-oconnor.com
heewon@oconnor-oconnor.com

Attorneys for Plaintiff

/s/ Katherine A. Manuel
One of the Attorneys for Defendant
WALGREEN CO.

33516034.1